

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
)	
)	
v.)	CRIMINAL ACTION
)	NO. 04-10237-NG
JONATHAN MATOS and)	
RAMON DIAZ,)	
Defendants,)	
)	

FINAL STATUS REPORT
February 28, 2005

SWARTWOOD, C.M.J.

The following is a Final Status Report to Gertner, J. to whom this case is assigned:

1. Substantive Motions

Both Defendants have filed a Motion To Suppress with an accompanying Affidavit. Neither Defendant has filed a memorandum but Defendants' counsel suggests that since the facts concerning an alleged illegal search have not been established that it would be more helpful and appropriate for a memorandum to be filed after a hearing is held in connection with these motions. Therefore, the Government has not filed an opposition memorandum since no initial memorandum has been filed in connection with these motions. I explained to counsel for the parties that I am sending this case

back to Judge Gertner for a ruling on the Motion To Suppress, but she may order the parties to file briefs prior to instead of after a hearing on these motions.

2. Excludable Time

With the assent of counsel for the parties, I have excluded from the Speedy Trial Act, the entire period from date of arraignment through February 24, 2005. Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Monday, May 9, 2005.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE